

04/17/01  
1005 U.S. PTO

04-19-01

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 005158.P007X  
(maximum 12 characters)

First Named Inventor Xiaodong Li, et al

Title: MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING

Express Mail Label No. EL371006821US

ADDRESS TO: **Assistant Commissioner for Patents**  
**Box Patent Application**  
**Washington, D. C. 20231**

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original, and a duplicate for fee processing)
2.  **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3.  **Specification (Total Pages 62)**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  **Drawings(s) (35 USC 113) (Total Sheets 7)**
5.  **Oath or Declaration (Total Pages 5)**
  - a.  Newly Executed (Original or Copy)
  - b.  Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed)
    - i.  **DELETIONS OF INVENTOR(S)** Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
    - c.  Unsigned.
6.  **Application Data Sheet. (37 CFR 1.76)**
7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.  Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statement verifying identity of above copies

1005 U.S. PTO  
04/17/01

## FEE TRANSMITTAL FOR FY 2001

TOTAL AMOUNT OF PAYMENT (\$) 1276.00

## Complete if Known:

Application No. Not yet assignedFiling Date Not yet assignedFirst Named Inventor Xiaodong Li, et al.Group Art Unit Not yet assignedExaminer Name Not yet assignedAttorney Docket No. 005158.P007X

## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
 Deposit Account Name Blakely, Sokoloff, Taylor & Zafman LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:  Check  
 Credit Card  
 Money Order  
 Other

## FEE CALCULATION

1. BASIC FILING FEE

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee	Fee	Fee
Code	(\$)	Code	(\$)
101	710	201	355
106	320	206	160
107	490	207	245
108	710	208	355
114	150	214	75
		Utility application filing fee	<u>710.00</u>
		Design application filing fee	<u>      </u>
		Plant filing fee	<u>      </u>
		Reissue filing fee	<u>      </u>
		Provisional application filing fee	<u>      </u>
<b>SUBTOTAL (1)</b>			<b>\$ 710.00</b>

2. EXTRA CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	<u>47</u>	<u>- 20** = 27</u>	<u>X 18.00 = 486.00</u>
Independent Claims	<u>4</u>	<u>- 3** = 1</u>	<u>X 80.00 = 80.00</u>
Multiple Dependent			<u>      </u>

\*\*Or number previously paid, if greater; For Reissues, see below.

Large Entity Small Entity

<u>Fee</u>	<u>Fee</u>	<u>Fee</u>	<u>Fee</u>	<u>Fee Description</u>
Code	(\$)	Code	(\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 566.00

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code (\$)	
105	130	205	65
127	50	227	25
			<b>Surcharge - late filing fee or oath</b>
			<b>Surcharge - late provisional filing fee or cover sheet</b>
139	130	139	130
147	2,520	147	2,520
112	920*	112	920*
			<b>Non-English specification</b>
			<b>For filing a request for ex parte reexamination</b>
			<b>Requesting publication of SIR prior to Examiner action</b>
113	1,840*	113	1,840*
			<b>Requesting publication of SIR after Examiner action</b>
115	110	215	55
116	390	216	195
117	890	217	445
118	1,390	218	695
128	1,890	228	945
119	310	219	155
120	310	220	155
121	270	221	135
138	1,510	138	1,510
140	110	240	55
141	1,240	241	620
142	1,240	242	620
143	440	243	220
144	600	244	300
122	130	122	130
123	50	123	50
126	180	126	180
581	40	581	40
			<b>Petition to institute a public use proceeding</b>
			<b>Petition to revive – unavoidable</b>
			<b>Petition to revive - unintentional</b>
			<b>Utility issue fee (or reissue)</b>
			<b>Design issue fee</b>
			<b>Plant issue fee</b>
			<b>Petitions to the Commissioner</b>
			<b>Processing fee under 37 CFR 1.17(q)</b>
			<b>Submission of Information Disclosure Stmt</b>
			<b>Recording each patent assignment per property (times number of properties)</b>
146	710	246	355
			<b>For filing a submission after final rejection (see 37 CFR 1.129(a))</b>
149	710	249	355
			<b>For each additional invention to be examined (see 37 CFR 1.129(b))</b>
179	710	279	355
169	900	169	900
			<b>Request for Continued Examination (RCE)</b>
			<b>Request for expedited examination of a design application</b>
195	300	195	300
			<b>Publication fee for early, voluntary, or normal publication</b>
196	300	196	300
194	130	194	130
098	130	098	130
091	1,240	091	1,240
			<b>Publication fee for republication</b>
			<b>Request for voluntary publication or republication</b>
			<b>Processing fee under 37 CFR 1.17(i)</b>
			<b>Acceptance of unintentionally delayed claim for priority</b>

Other fee (specify) \_\_\_\_\_

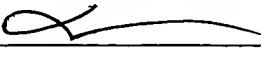
Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 0**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Michael J. Mallie

Signature:  Date: April 17, 2001

Reg. Number: 36,591 Telephone Number: 408-720-8300

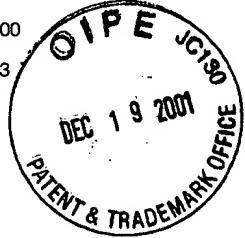
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

03C0V

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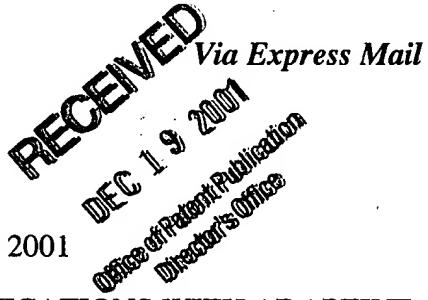
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SEATTLE, WA  
DENVER, CO

13 December 2001

Assistant Commissioner for Patents  
US Patent and Trademark Office  
Washington, D.C. 20231  
Box PG Pub



Re: USSN: 09/837,701 Filed: 17 April 2001  
Applicant: LI, Xiaodong  
Title: MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE  
CLUSTER CONFIGURATION AND SWITCHING  
*Transmittal of Request to Rescind Previous Request*  
*Under 35 USC 122(b)(2)(B)(ii)*  
Our File No.: 005158.P007X

Dear Sirs:

We have filed the above-identified application under the Patent Cooperation Treaty (PCT). A Request and Certification under 35 USC 122(b)(2)(B)(i) has been submitted for this invention, we herewith submit a Request to Rescind Previous Nonpublication Request under 35 USC 122(b)(2)(B)(ii).

Respectfully submitted,

Blakely, Sokoloff, Taylor & Zafman LLP

Michael J. Mallie  
Reg. No. 36,591

MJM/jls  
Enclosure

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Label # EL470490307US in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, Box PG Pub.

*Jenni J. Stewart* *12-13-01*  
Signature Date

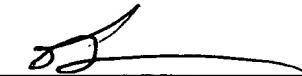
**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Xiaodong Li, et al  
Title MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING  
Attorney Docket No. 005158.P007X

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

April 17, 2001

Date



Signature

Michael J. Mallie

Typed or Printed Name

36,591

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

## EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EL371006821US

Date of Deposit: 4/17/01

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Mara E. Brown  
(Typed or printed name of person mailing paper or fee)

Mara E. Brown  
(Signature of person mailing paper or fee)

4/17/01  
(Date signed)

Serial/Patent No.: \*\*\* Filing/Issue Date: \*\*\*  
Client: Broadstorm Telecommunications  
Title: MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING  
BSTZ File No.: 005158.P007X Atty/Secty Initials: MJM/mzb  
Date Mailed: 04/17/01 Docket Due Date: \*\*\*  
The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:  
 Amendment/Response (   pgs.)  Express Mail No.: EL371006821US  Check No. 42241  
 Appeal Brief (   pgs.) (in triplicate)  Month(s) Extension of Time  Amt: \$1276.00  
 Application - Utility (   pgs., with cover and abstract)  Information Disclosure Statement & PTO-140 (   pgs.)  Check No.     
 Application - Rule 1.53(b) Continuation (   pgs.)  Issue Fee Transmittal  Amt:     
 Application - Rule 1.53(b) Divisional (   pgs.)  Notice of Appeal  Petition for Extension of Time  
 Application - Rule 1.53(b) CIP (62 pgs.)  Petition for     
 Application - Rule 1.53(d) CPA Transmittal (   pgs.)  Postcard  
 Application - Design (   pgs.)  Power of Attorney (   pgs.)  
 Application - PCT (   pgs.)  Preliminary Amendment (   pgs.)  
 Application - Provisional (   pgs.)  Reply Brief (   pgs.)  
 Assignment and Cover Sheet  Response to Notice of Missing Parts  
 Certificate of Mailing  Small Entity Declaration for Indep. Inventor/Small Business  
 Declaration & POA (5 pgs.)  Transmittal Letter, XX  
 Disclosure Docs & Orig & Copy of Inventor Signed Letter (   pgs.)  Fee Transmittal, in duplicate  
 Drawings: 7 # of sheets includes 14 figures  
 Other: Request and Certification.